

**ZONING BOARD OF ADJUSTMENT
MINUTES**

MARCH 7, 2022

Meeting advertised according to the New Jersey Sunshine Law

Salute to the flag.

Roll call: attending: Mr. Gleiberman, Mr. Ingber, Mr. Lankry, Mr. Gross, Mr. Halberstam

Absent: Meir Gelley, Chuck Gartenhaus

Arrived late: Avraham Naftali, Judah Ribiat

Also attending: Jerry Dasti, Board attorney

Terry Vogt, Engineer/Planner

Francine Siegel, Secretary

Motion to approve minutes of February 7, 2022 -Mr. Lankry

Second – Mr. Ingber

Roll call vote: affirmative: Mr. Gleiberman, Mr. Ingber, Mr. Lankry, Mr. Gross, Mr. Halberstam

Request from Attorney, Judy Fairweather to carry the application until the June 13th zoning board meeting.

Appeal # 4160 - Diamond Communications, LLC, 655 Squankum Road, B-4 zone. To construct a 145-foot monopole with 12 antennas.

Motion for a new notice - Mr. Lankry

Second – Mr. Gleiberman

Roll call vote: affirmative: Mr. Gleiberman, Mr. Ingber, Mr. Lankry, Mr. Gross, Mr. Halberstam

Secretary announced that there was a problem with the notice and that **Appeal # 4224 – 60 Drake Road, LLC**, Drake Road, Block 251.02 Lot 95, R-40 zone. To construct 6 single family homes could not be heard this evening. They will renotece.

Chairman announced that there will be no further objections through e-mail they must be in person.

Mr. Pfeffer asked that **Appeal # 4210**, Aderet be carried until the other two members arrived so that there would be a full board. He left the building and will be back shortly.

Appeal # 4074A – Somerset Management, LLC, East County Line Road, Block 174.11 Lots 41.01, 42, 43.07 & 45.01, R-12 zone. Amend application to remove the subdivision portion of the previous application and stick with the use variance for the parking lot.

Miriam Weinstein, attorney for applicant. This application previously obtained use and minor subdivision approval to consolidate 4 existing lots into 2. Use variance to construct a parking lot where the supermarket. Everything was built. They needed county approval and they said that they have to give up 4 parking spaces. They are asking to remove the subdivision approval and reapprove the use variance. Everything is staying exact where it is. They cannot get their bond back because the subdivision was not completed. The improvements are all staying. The use variance must be reissued. A cross easement will be provided.

Mr. Dasti - How will be assured that the parking lot will still be part of the shopping center?

Mr. Halberstam - The easement will remain forever.

Open to Public.

Rebecca Stein, 1503 Twin Oaks Drive, affirmed. Her house is back to back with the parking lot where the garbage is. There is always garbage in her backyard because there is a gap under the fence because it slopes.

The board members reviewed the site plan to see where they can move the garbage.

Chairman suggested a few alternatives for the garbage.

Closed to Public.

Motion to approve and move the trash enclosure to the empty land, Use variance approved as long as they remove the garbage behind the open space – Mr. Lankry

Second – Mr. Gross

Roll call vote: affirmative: Mr. Gleiberman, Mr. Ingber, Mr. Lankry, Mr. Naftali, Mr. Gross,
Mr. Halberstam

Appeal # 4212 – Mordechai Finkelstein, 465 Chestnut Street, Block 1159.04 Lot 21, R-20 zone. Preliminary and final subdivision to create 7 lots (6 duplexes and one single family) based on R-7.5 requirements.

Brian Flannery, engineer/planner, sworn

A-1 – Page 150 of the tax map showing the subject property

A-2 copy of subdivision plans prepared by Newlines

A-3 layout plans

A-4 plan approved by Rabbi Perlow shows how this property fits into that project, Chestnut Garden Square

A-5 showing subdivision map

Mr. Flannery – this is a R-20 zone – duplexes and single family consistent with the R-7.5 and fits in the area.

Reviewed Mr. Vogt review report.

Mr. Flannery – Chestnut Garden Square is under construction now and this project is compatible. The applicant does not propose a homeowners association. This applicant would be responsible to finish Clinton Avenue. Clinton Avenue is the access to this site. The one single family will be on Chestnut Street. They are all 10,000 square foot lots. The duplex on the corner of Clinton Street and Chestnut Street is not in the sight triangle. They do need County approval and will submit. Clinton Street will be a 32 foot wide road.

The board was concerned about the vacant land across the street. Also Clinton Street being the traffic pattern (access) for Chestnut Garden Square. Concerned about backup of traffic getting onto Chestnut Street and the driveways access on Clinton Street.

Mr. Flannery - They could revise the plans and have 2 duplexes on chestnut gardens square and only one duplex on Clinton Street.

The board did not want to revise the plans for the applicant.

Mr. Flannery asked about bifurcating the application.

Mr. Naftali – whatever we approve on this lot will be duplicated across the street.

Mordechai Finkelstein, applicant, affirmed.

Chairman - Suggested that the applicant review what was discussed and come back.

Mr. Naftali - The application is too aggressive. This is an R-20 zone asking for R-7.5 requirements, maybe they should consider going to an R-10.

Motion to carry until April 4th under old business – Mr. Lankry

Second – Mr. Ribiat

Roll call vote: affirmative: Mr. Gleiberman, Mr. Ingber, Mr. Lankry, Mr. Naftali, Mr. Ribiat,
Mr. Gross, Mr. Halberstam

Appeal # 4227 – Shimon Grinberger, 801 Park Avenue, Block 230 Lot 14, R-10 zone. To construct a 2 story home with setback variances and lot coverage variance requested.

Brian Flannery, engineer planner sworn.

The applicant was not in attendance and there was no attorney to represent him.
There were no architecturals available.

Motion to carry to April 4th with architecturals – Mr. Lankry

Second – Mr. Ingber

Roll call vote: affirmative: Mr. Gleiberman, Mr. Ingber, Mr. Lankry, Mr. Naftali, Mr. Ribiat
Mr. Gross, Mr. Halberstam

Appeal # 4228 – David Fisher, Shonny Court, Block 11 Lot 1.04, R-15 zone. To construct a pool and pool house, requested 5 foot rear setback where 10 feet is required.

Miriam Weinstein, attorney for applicant. Needing variances for the pool, rear yard setback of 5 feet, for the cabana rear setback requested. Also lot coverage of 34.25% requested where 30% is permitted.

Glenn Lines, engineer/planner, sworn.

Mr. Halberstam- there is an issue of wetlands in this area.

Ms. Weinstein – the water issue is on the other side of the street.

Mr. Naftali asked about a fence around the property not around the pool.

Mr. Lines – Jackson Township is behind this lot.

Open to Public. Closed to Public.

Motion to approve with a fence as high as they want – Mr. Lankry

Second – Mr. Ingber

Roll call vote: affirmative: Mr. Gleiberman, Mr. Ingber, Mr. Lankry, Mr. Naftali, Mr. Ribiat
Mr. Gross, Mr. Halberstam

Appeal # 4207 – Samson Weiss, 123 10th Street, Block 134 Lot 18, To construct a duplex on an undersized lot – proposed 11,250 required 12,000.

Brian Flannery, sworn.

**ZONING BOARD OF ADJUSTMENT
MINUTES**

**MARCH 7, 2022
PAGE 3.**

A-1 Tax map
A-2 Color area map
A-3 Aerial
A-4 minor subdivision improvement plan

Mr. Flannery – duplex proposed to replace a single family house, 11,250 proposed where 12,000 is required. There will be one entrance to the basement, one basement apartment.

Chairman announced that we have never approved a duplex on 11,200 in an R-12 zone.
This is not de minimus.

Mr. Flannery – there are no duplexes on this block – there are duplexes in the area. There is an existing house there now.

Open to Public. Closed to Public.

Raizy Weiss, affirmed. She owns the existing house.
They also own the lot next door – they would like to move the property line and build a duplex and a single family.

Applicant withdrew the application.

Motion to withdraw application – Mr. Lankry

Second- Mr. Ingber

Roll call vote: affirmative: Mr. Gleiberman, Mr. Ingber, Mr. Lankry, Mr. Naftali, Mr. Ribiat
Mr. Gross, Mr. Halberstam

Recess.

Appeal # 4225 – 19 Chestnut Way LLC, 410 E. Kennedy Blvd, Block 142 Lot 15, OT zone.
Use variance requested to construct duplexes.

Miriam Weinstein, represented applicant - Requesting use variance to construct duplex structures. Fully compliant with the R-7.5 standards. Directly across the street from the Coventry Square complex.

Brian Flannery, sworn.

A-1 tax map
A-2 tax map layout
A-3 existing conditions map
A-4 aerial

Mr. Flannery – will satisfy all comments of the board engineer. Architecturals were not submitted.

The board discussed driveways.

Mr. Flannery – proposed 42 foot wide each unit.

Mr. Halberstam – this will set a precedence

Mr. Naftali – we have to see it –

**ZONING BOARD OF ADJUSTMENT
MINUTES**

**MARCH 7, 2022
PAGE 5.**

Ms. Weinstein – you cannot build a single family home in this zone.

Mr. Ingber asked about K turns – no backing out

Mr. Flannery – there will be a 15 foot rear yard setback.

Board requested that they come back with architecturals

Motion to carry to April 4th – Mr. Lankry

Second – Mr. Ingber

Roll call vote: affirmative: Mr. Gleiberman, Mr. Ingber, Mr. Lankry, Mr. Naftali, Mr. Ribiat,
Mr. Gross, Mr. Halberstam

Appeal # 4234 – Aron Kantor, 25 Sherwood Drive, Block 778 Lot 87, R-10 zone. Use
Variance for duplex on an undersized lot 12,000 sf required, 10,500 proposed

Motion to carry to April 4th – Mr. Ribiat

Second – Mr. Lankry

Roll call vote: affirmative: Mr. Gleiberman, Mr. Ingber, Mr. Lankry, Mr. Naftali, Mr. Ribiat,
Mr. Gross, Mr. Halberstam

No new notice and a waiver of time.

Appeal # 4233 – Mordechai Brenner, Block 855.06 Lot 25.04, R-20 zone. Foundation was
placed at 7.2 feet where 8 feet was approved.

Secretary - This was a Planning board application for a subdivision and they granted an 8 foot
side yard setback.

Mordechai Brenner, affirmed. Lot was subdivided. There was an existing structure on the lot
and they moved it over and set it at 7.2 feet from the property line instead of the 8 feet approved.
He was not the owner at that time. He just purchased the property in December 2021.

Secretary - The house was supposed to moved – they are ow putting in a basement they built the
foundation in the wrong place.

Mr. Halberstam -This is not the case that they want to make the house bigger.

Mr. Ribiat – he accepted the house with the 7.2 setback.

Mr. Brenner – no a/c units on that side

Open to Public.

Joseph Obstfeld, 1450 South Street, affirmed - Objecting to the approval.

Mr. Vogt – east side was approved to be an 8 foot setback and the west side is 9 feet.

Sara Obstfeld – concerned about our privacy.

Mr. Halberstam - The door to the basement is on the other side.

**ZONING BOARD OF ADJUSTMENT
MINUTES**

**MARCH 7, 2022
PAGE 6.**

Mr. Jeremias – he is holding him hostage.

Closed to Public.

Motion to approve – Mr. Lankry

Second – Mr. Ribiat

Roll call vote: affirmative: Mr. Gleiberman, Mr. Ingber, Mr. Lankry, Mr. Naftali, Mr. Ribiat,
Mr. Gross, Mr. Halberstam

Appeal # 4236 - Baruch Jeremias, 210 Miller Road, Block 11.15 Lot 2, R-15 zone. Variance
Requested for front yard setback of 10 feet and 27 feet for pool and pool house
(single family house) where 30 feet is required.

Ian Goldman, attorney for applicant.

Brian Flannery, engineer/planner.

A-1 Variance map showing

A-2 aerial

A-3 architectural plans for pool house.

Mr. Flannery - Requesting front yard setback for the pool house to Miller Road at 10.7 feet
where 30 feet is required. Asking for front setback for the pool also.

Mr. Flannery – they will relabel the architecturals.

Mr. Halberstam – isn't just the corner of the pool that needs the variance.

Mr. Flannery – no it is for the entire length of the pool.

Mr. Halberstam – is this maids quarters or a pool house.

Mr. Flannery – plans will be revised and labeled properly. There is no basement. They are
proposing additional landscaping.

Open to Public. Closed to Public.

Marvin Jeremias – own the lot directly across the street and have no objections.

Motion to approve pool, pool house and 6 foot fence in the front yard setback Mr. Lankry

Second – Mr. Ingber

Roll call vote: affirmative: Mr. Gleiberman, Mr. Ingber, Mr. Lankry, Mr. Naftali, Mr. Ribiat,
Mr. Gross, Mr. Halberstam

Appeal # 4210 – Aderet Offices, LLC – 2017 Lanes Mill Road, Block 188 Lot 210, R-20 zone.
Use variance for an office building.

Motion to carry to April 4th

All in favor

Resolutions

Appeal # 4201 – Mordechai Eichorn, Gates Ave. between Golders Green Road and New Hampshire Ave. Block 1159 various lots, block 1159.04 various lots. Resolution to approve amended resolution and site plan. .

Appeal # 4211 – Covington Village Condo Assoc., Block 1082 Lot 9, Locust Street, R-20 zone Resolution to deny the subdivision of the existing community into 2 separate lots.

Appeal # 4206 – Celco Partnership, 500 Clifton Avenue, Block 94 Lot 1, R-OP zone. Resolution to approve a use variance to construct a wireless communications facility on an existing building.

Appeal # 4213 – Shayne Gelbfish Freund, 15 14th Street, Block 145 Lot 3, R-10 zone. Resolution to approve variances for existing sheds and variance for 16 foot fence for pool.

Appeal # 4223 - Aron Muller, 113 E. 8th Street, Block 230 Lot 12, R-10 zone. Resolution to approve the construction of single family home with variances approved for lot area, lot width, side yard setback, combined side yard setback and lot coverage of 35% where 30% is permitted.

Appeal # 4226 – Levi Noveseller, 95 Glen Avenue, Block 12.04 Lot 18, R-12 zone. Resolution to approve the construction of a new home, variance for front yard setback -proposed 25.34 feet.

Appeal # 4222 – Leah Gelley, 429 15th Street, R-12 zone. Resolution to approve the construction of a single family home with variances for side yard setbacks of 8 feet and 10 feet.

Appeal # 4231 – Daniel Czermak – 810 South Lake Drive, Block 12.04 Lot 109, R-12 zone. Resolution to approve the construction of a new home with variances requested for side yard setback.

Appeal # 4232 – Elaine Klein, 306 Autumn Road, Block 23 Lot 3, R-12 zone. Resolution to approve the construction of a single family house requesting variances for front yard setbacks and lot coverage of 35.72% where 30% is required.

Motion to approve resolutions –
All in favor

Motion to pay bills.

Motion to adjourn.

Meeting adjourned at 10:30

Respectfully submitted,

Fran Siegel, Secretary